

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RICHARD IDEN,

Plaintiff,

v.

BEAN, *et al.*,

Defendants.

Case No. 2:23-cv-00303-RFB-VCF

ORDER REOPENING CASE

I. DISCUSSION

On May 15, 2023, this Court dismissed this case without prejudice because Plaintiff failed to file an application to proceed in forma pauperis or pay the full \$402 filing fee in compliance with this Court's February 28, 2023, order. ECF No. 4. On May 25, 2023, Plaintiff filed a motion to reopen the case. ECF No. 6. Plaintiff asserts that he gave the requested documents to a law clerk at High Desert State Prison in March 2023 and believed that they had been filed with the Court. Id. at 1. Plaintiff now requests that the Court reopen his case and allow him to file the missing documents. Id.

With good cause appearing, the Court grants Plaintiff's motion to reopen the case. Plaintiff has **45 days from the date of this order** to file a fully complete application to proceed in forma pauperis or pay the \$402 filing fee.

II. CONCLUSION

It is therefore ordered that the motion to reopen case (ECF No. 6) is granted. The Clerk of the Court will vacate the judgment (ECF No. 5) and reopen this case.

It is further ordered that Plaintiff has **45 days from the date of this order**, to either pay the full \$402 filing fee or file a fully complete application to proceed in forma pauperis with all three required documents: (1) a completed application with the inmate's two signatures on page 3,

(2) a completed financial certificate that is signed both by the inmate and the prison or jail official, and (3) a copy of the inmate's trust fund account statement for the previous six-month period.

Plaintiff is cautioned that this action will be subject to dismissal without prejudice if Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a complete application to proceed in forma pauperis or pay the required filing fee.

The Clerk of the Court is directed to send Plaintiff the approved application to proceed in forma pauperis for an inmate and instructions for the same.

DATED: January 24, 2024

A handwritten signature in black ink, appearing to be 'RFB', is written above a horizontal line.

RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE